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                                        Reply to office action mailed 08/02/06

REMARKS

Claims 1-29, 31-38, 40-47 and 49-55 are currently pending in the application. The claims are not amended. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

The Examiner has not renewed rejections based upon the Furusawa and Shaughnessy references, which is acknowledged with appreciation.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,548 to Nihei. Nihei discloses a server capable of automatically notifying updated database content to a client computer. When a client computer accesses a record in the database, the server makes an entry in an access history file for that record (col. 9, lines 44-48). When the record is changed, the server uses the history file to identify those clients which accessed the record prior to the change (col. 9, lines 48-52), and then sends "a message that this record is changed" to these identified clients (col. 9, lines 52-54). The notified client can then download the changed record (col. 9, lines 56-58). This procedure of notification by the server when a change has occurred to an accessed record is an improvement upon prior practice, where the client had to regularly check the contents of the database on the server to be sure that its earlier downloaded record is up-to-date (col. 1, lines 42-51).

As the foregoing description should make clear, the disclosure in Nihei is not related to the present invention. Nor do the claims of the invention read on the Nihei disclosure. The Examiner relies upon images which are linked to the accessed records (col. 4, lines 1-3). In Nihei, the records are merchandise records and these

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images are pictures of the merchandise associated with the respective records (col. 4, lines 1-35). The image is simply an element of the merchandise record, and the "image link number" (see Fig. 3A) provides a link between the merchandise record and the image file. Thus, it is clear that the image link number is part of the merchandise record. The Examiner argues that the "information item" of the invention reads on the merchandise record, and that the "identifier for an image" reads on the image link number.

However, this is not what is claimed. The claim describes two separate elements, an "information item" which is transmitted and received and then a table of retrieval conditions and corresponding image/sound file identifiers. The Examiner has used the merchandise record for both the claimed information item and the claimed table, an interpretation which is not consistent with the specification. The authorities are clear that, while language from the specification will not be read into the claims, the claim must be interpreted in light of the specification. "Information item" and "table" are distinct in the claim language, and distinct in the specification. The invention provides for a separate "table" precisely so that the "information item" used in communication need not contain a large image or sound file (see page 3, lines 1-6, and page 5, lines 8-15). On the other hand, if the receiving terminal does not have the desired table it may need to be attached to the information item, for example, an email (page 29, lines 3-5). The invention provides for tables which do not include the images (page 27, lines 23-24, and Fig. 5) but only memory addresses for the images (page 28, lines 1-3), and tables which include the images (page 29, lines 20-22, and Fig. 8).

Consequently, in interpreting the claim, the Examiner must retain the claim language used by the applicant, and read that language in light of the specification.

Since the claim language, supported by the specification, treats "information item" and "table" as separate and distinct structures, the Examiner cannot use the same structure in Nehei (the merchandise record described in Fig. 3A) to describe both inventive structures. It should be noted that the Examiner has attempted to use a separate structure (the download management table in Fig. 3C) for the table, but this is not consistent because the table of the invention <u>includes</u> the "identifier for an image", which in the Nehei reference can <u>only be</u> the image link number in the merchandise record shown in Fig. 3A.

The mechanism of the invention, using keywords in downloaded text (on a web page or in an email) to invoke displays of image and/or sound files that have previously been downloaded, enables automatic and concurrent display without the delays required for downloading. It is a specific concern of the invention to address the problem of large size data (page 3, lines 11-16) of multimedia files such as image or voice data. There is no indication in Nehei of this concern, or of the attendant concern of the time required – and consequent delays – to transmit such large files over a communications medium such as the Internet. Nehei is concerned with updating records, which necessarily requires that if an image associated with a merchandise record has been changed the merchandise record must be downloaded again.

It should be noted that Nehei fails to suggest the following teaching: if a merchandise record is updated, but the image file remains the same, it would save communications bandwidth for the client to download only the changed portion of the record, not including the image file which has not been changed. This would be the teaching suggested by the present invention, but this teaching is not provided or suggested in Nehei.

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All of the rejected claims contain the same distinctive structures of an "information item" and a "table" having an "identifier". Thus, for the above reasons, it is submitted that Nehei is overcome as a reference.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,528 to Takayama. Takayama discloses a hierarchical file management system able to display path information showing the storage position of retrieved information within the hierarchical tree. This has nothing to do with the present invention. While Takayama discloses structures which can be separately analogized to the "information item" and "table" of the present invention, these structures are not connected as claimed. In particular, as with the Nehei reference, the "image identifiers" identified by the Examiner (in area 202 of Fig. 6) are not included in the "table" identified by the Examiner (Fig. 5). And while there are many "information items" in Takayama having "retrieval conditions", there is no connection between a retrieval condition and display of an image with the information item. What Takayama displays is an image showing the path to a retrieved information item, but this is not the image structure claimed. The applicant is entitled to the structures and their interrelationships as claimed, and to interpretations of these structures and interrelationships in light of the specification.

Consequently, it is submitted that Takayama fails as reference.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §103(a) as being unpatentable over Takayama in view of Nehei. As made clear by the discussion above, neither Takayama nor Nehei disclose or suggest the structures claimed in the invention. The combination of these two references fails to

overcome this fundamental deficiency. Therefore, it is submitted that this ground of

rejection is also overcome.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35

U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,856,414 to Haneda. Haneda

discloses an image data communication system. The images are transmitted from a

client and registered with a server, which converts the format to generate a large

image file, medium image file, and a thumbnail file, having progressively less data.

As with the Nehei and Takayama references, the structures in Haneda used by the

Examiner do not correspond to the structures claimed in the invention. The Examiner

argues that the claimed "information item" reads on Haneda's search page (Fig. 21).

However, the search page is simply a screen for capturing retrieval conditions that are

descriptive of images to be searched. This would appear to collapse together the

separate and distinct structures of "information item" and "table" as used in the

invention. Further, the purpose of the an "information item" in the invention is to be

transmitted and then to be searched for the presence of retrieval conditions (i.e.

"detect in said information item said at least one retrieval condition") and "if the

retrieval condition is detected to display said information item" with the

corresponding identified image. This makes sense in the context of an information

item that is a communication having content to be appreciated by a recipient, the

appreciation being enhanced by display of the "corresponding identified image."

But the Haneda disclosure is not suited to these aspects of the invention. The

Examiner is attempting to force fit an unwilling disclosure upon the claims of the

invention, and can do so only by ignoring the plain language of the claim describing

the relationship between the structures. In the invention, detection of the retrieval

condition triggers a particular display: "of the information item ... <u>with</u> the

corresponding identified image" (emphasis supplied). No such display is indicated in Hameda. There is no indication or suggestion that any image is displayed with the "information item" shown in Fig. 21. Instead, a "results" page is displayed as shown in Fig. 22. And, as shown in Fig. 23, the results may include thumbnail images, but only if the user conducting the search deems it necessary (col. 17, lines 34-36). But it is clear that, if the thumbnail image is believed necessary, <u>the image itself is transmitted</u> in response to a further request from the client to the server.

The Haneda disclosure is contrary to the present invention in a number of particulars. The language of the claim provides for the detection at the terminal device, in the communicated "information item", of a retrieval condition. By contrast, Haneda discloses that the retrieval condition is inserted at the terminal device. This discrepancy is not surprising, since the invention is concerned with the content of communication, whereas Haneda is concerned with a search strategy. In Haneda, the images are being searched, whereas in the present invention the images are used to enhance the communication provided by the "information item". And if the image is to be displayed (as shown in Fig. 23), it must be specially transmitted from the server. But most importantly, even where the image is displayed, it is <u>not</u> displayed <u>with</u> the information item shown in Fig. 21 (but rather with a results page as shown in Fig. 23) and, furthermore, it is <u>not</u> displayed in response to detection of the retrieval condition (but rather in response to a further request and transmission).

Nor does Haneda provide for a "table" structure as claimed by the invention. In the invention, the table is used to determine whether a retrieval condition (as listed in the table) in present in the "information item." While the table in Fig. 6 of Haneda shows KEYWORDS that are associated with an image, there does not appear to be a "corresponding identifier for an image"on the table in Fig. 6. It should be noted that

the terms "Imageinfo1", "Imageinfo2", "Imageinfo3" and "Imageinfo4" in the first

column of Fig. 6 are simply the labels or identifiers for the corresponding

"KEYWORD1", "KEYWORD2", "KEYWORD3" and "KEYWORD4", in the same

way that "RecordID" is the label for the corresponding "RECORD NO." in the second

column. Thus, for example, "Imageinfo1" is <u>not</u> an identifier for an image (as the

"image link number" in Fig. 3A of Nihei had been).

Consequently, the disclosure of Haneda fails to read on the structures as

related in the claim language of the present invention. Since all the claims contain the

"information item" and "table" structures, with the "image identifier" being contained

on the table and corresponding in the table to a "retrieval condition" also contained on

the table, the foregoing comments apply to all the claims. It is therefore believed that

Haneda is overcome as a reference.

In summary, it is believed that existing claims particularly point out and

distinctly claim the present invention, distinguishing the prior art of record, and that

all rejections of record have been overcome.

In view of the foregoing, it is requested that the application be reconsidered,

that claims 1-29, 31-38, 40-47 and 49-55 be allowed, and that the application be

passed to issue.

Should the Examiner find the application to be other than in condition for

allowance, the Examiner is requested to contact the undersigned of Clyde R

Christofferson at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to

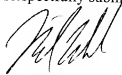discuss any other changes deemed necessary in a telephonic or personal interview.

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      If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

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